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also delete the attainment date from the BPA marine vessel loading contingency rule since this date may be revised in the near future.

Stephen Minick, Strategic Planning and Appropriations Division, has determined that for the first five-year period the sections are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the sections

Mr. Minick also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be satisfaction of FCAA Amendments and EPA requirements, and more cost-effective control of VOC emissions from gasoline terminals. Cost savings to owners or operators of gasoline terminals would result from this rule amendment. Cost savings to owners or operators of marine terminals could result from the rule revision since marine vessel loading requirements might be delayed indefinitely in BPA. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the sections as proposed.

Public hearings on this proposal will be held in Beaumont on September 26, 1995, at 7:00 p.m. at the John Gray Institute, 855 Florida Avenue, Beaumont; and in Houston on September 27, 1995, at 10:00 a.m. in Conference Room A at the Houston-Galveston Area Council, 3555 Timmons Lane, Houston. Individuals may present oral statements when called upon in order of registration. Open discussion within the audience will not occur during the hearing; however a TNRCC staff member will be available to discuss the proposal 30 minutes prior to the hearing and will answer questions before and after the hearing.

Written comments not presented at the hearing may be submitted to the TNRCC central office in Austin. The deadline for submission of written comments will be 30 days after the date of publication of the proposal in the *Texas Register*. Material received by the TNRCC Office of Policy and Regulatory Development by 4.00 p.m. on that date will be considered by the Commission prior to any final action on the proposal. Please mail written comments to Heather Evans, Office of Policy and Regulatory Development, MC 205, P.O. Box 13087, Austin, Texas 78711-3087, and reference Rule Log #95135-115-A1. Comments can also be faxed to (512) 239-5687. Copies of the proposal are available at the central office of the TNRCC, Air Policy and Regulations Division, located at 12118 North IH-35, Park 35 Technology Center, Building E, Austin, and at all TNRCC regional offices. For further information, contact Gus Eghneim at (512) 239-1965 or Eddie Mack at (512) 239-1488.

Persons with disabilities who have special communication or other accommodation needs who are planning to attend the hearing should contact the agency at (512) 239-4900. Requests should be made as far in advance as possible.

The amendments are proposed under the Texas Health and Safety Code (Vernon 1992), the Texas Clean Air Act (TCAA),

§382.017, which provides the TNRCC with the authority to adopt rules consistent with the policy and purposes of the TCAA.

The proposed amendments affect the Health and Safety Code, §382.017.

§115.212. Control Requirements.

(a) For all persons in the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas, the following control requirements shall apply.

(1)-(10) (No change.)

(11) After November 15, 1996 for gasoline terminals in the Dallas/Fort Worth, El Paso, and Houston/Galveston areas, [the following control requirements shall apply.

[(A) Each vapor recovery device serving a loading rack shall be upgraded to include a vacuum assisted vapor collection system followed by a vapor recovery system. For the purposes of this paragraph, a vacuum assisted vapor collection system is defined as a blower system which produces a vacuum at the transport vessel to prevent fugitive emissions during loading operations.

[(B)] [Each] each vapor recovery system shall be instrumented in such a way that the pump(s) transferring fuel to the transport vessels will not operate unless the vapor recovery system is properly connected and properly operating. No transport vessel loading shall take place at a loading rack when the vapor recovery systems serving that loading rack is out of service or is not operating in accordance with the manufacturer's parameters.

(12) (No change.)

(b)-(c) (No change.)

§115.219. Counties and Compliance Schedules. All affected persons in the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas shall be in compliance with this undesignated head (relating to Loading and Unloading of Volatile Organic Compounds) in accordance with the following schedules.

(1)-(4) (No change.)

(5) All affected marine terminals in Hardin, Jefferson, and Orange counties shall be in compliance with §§115.211(a), 115.212(a), 115.213(a), 115.214(a), 115.215(a), 115.216(a), and 115.217(a) of this title (relating to Emission Specifications; Control Requirements; Alternate Control Requirements; Inspection Requirements; Approved Test Methods; Monitoring and Recordkeeping Requirements; and Exemptions) as soon as practica-

ble, but no later than three years after the Texas Natural Resource Conservation Commission publishes notification in the *Texas Register* of its determination that this contingency rule is necessary as a result of failure to attain the national ambient air quality standard for ozone by the [November 15, 1999] attainment deadline or failure to demonstrate reasonable further progress as set forth in the 1990 Amendments to the Federal Clean Air Act, §172(c)(9).

(6) All affected marine terminals in Hardin, Jefferson, and Orange counties shall be in compliance with §§115.211(a), 115.212(a), 115.213(a), 115.214(a), 115.215(a), 115.216(a), and 115.217(a) of this title as soon as practicable, but no later than three years after:

(A) the United States Environmental Protection Agency (EPA) publishes notification in the *Federal Register* of its determination to deny the petition to redesignate the Beaumont/Port Arthur ozone nonattainment area as an ozone attainment area; or

(B) EPA publishes notification in the *Federal Register* of its determination to deny approval of the demonstration of attainment for the Beaumont/Port Arthur ozone nonattainment area based upon Urban Airshed Model (UAM) modeling.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on August 30, 1995.

TRD-9510973

Lydia Gonzalez-Gromatzky
Acting Director, Legal
Services Division
Texas Natural Resource
Conservation
Commission

Proposed date of adoption: December 20, 1995

For further information, please call: (512) 239-1970

Subchapter E. Solvent-Using Processes

Degreasing and Clean-up Processes

- 30 TAC §§115.412, 115.413, 115.416, 115.417, 115.419

The Texas Natural Resource Conservation Commission (TNRCC or Commission) proposes amendments to §§115.412, 115.413, 115.416, 115.417, and 115.419, concerning Degreasing and Clean-up Processes. The proposed amendments to §115.412, concerning Control Requirements, §115.416, concerning Recordkeeping Requirements,

§115.417, concerning Exemptions, and §115.419, concerning Counties and Compliance Schedules, delete the requirements concerning acetone usage at polyester resin operations (cultured marble and fiber-reinforced plastic manufacturing) because the United States Environmental Protection Agency (EPA) recently excluded acetone from the federal definition of volatile organic compound (VOC). The proposed changes to §115.413, concerning Alternate Control Requirements, update a reference to §115.910 to reflect a title change. The proposed changes to §115.417 also delete exemptions which do not provide any flexibility beyond that already available in §115.412(a)(2)(D) and §115.412(b)(2)(D). In addition, the TNRCC proposes to change the title of the undesignated head from Degreasing and Clean-up Processes to Degreasing Processes to reflect the content of the proposed amendments. Concurrently, the TNRCC proposes amendments to §115.10, concerning Definitions, and §101.1, concerning Definitions, to exclude acetone from the definition of VOC for consistency with the recently promulgated federal definition of VOC.

Stephen Minick, Strategic Planning and Appropriations Division, has determined that for the first five-year period the sections are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the sections.

Mr. Minick also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be a more understandable and enforceable environmental regulation. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the sections as proposed. Cost savings to owners or operators of polyester resin operations could result from the removal of the acetone usage limits.

Public hearings on this proposal will be held in Beaumont on September 26, 1995, at 7:00 p.m. at the John Gray Institute, 855 Florida Avenue, Beaumont; and in Houston on September 27, 1995, at 10:00 a.m. in Conference Room A at the Houston-Galveston Area Council, 3555 Timmons Lane, Houston. Individuals may present oral statements when called upon in order of registration. Open discussion within the audience will not occur during the hearing; however a TNRCC staff member will be available to discuss the proposal 30 minutes prior to the hearing and will answer questions before and after the hearing.

Written comments not presented at the hearing may be submitted to the TNRCC central office in Austin. The deadline for submission of written comments will be 30 days after the date of publication of the proposal in the *Texas Register*. Material received by the TNRCC Office of Policy and Regulatory Development by 4:00 p.m. on that date will be considered by the Commission prior to any final action on the proposal. Please mail written comments to Heather Evans, Office of Policy and Regulatory Development, MC 205, P.O. Box 13087, Austin, Texas 78711-3087, and reference Rule Log #95137-115-AI.

Comments can also be faxed to (512) 239-5687. Copies of the proposal are available at the central office of the TNRCC, Air Policy and Regulations Division, located at 12118 North IH-35, Park 35 Technology Center, Building E, Austin, and at all TNRCC regional offices. For further information, contact Eddie Mack at (512) 239-1488.

Persons with disabilities who have special communication or other accommodation needs who are planning to attend the hearing should contact the agency at (512) 239-4900. Requests should be made as far in advance as possible.

The amendments are proposed under the Texas Health and Safety Code (Vernon 1992), the Texas Clean Air Act (TCAA), §382.017, which provides the TNRCC with the authority to adopt rules consistent with the policy and purposes of the TCAA.

The proposed amendments affect the Health and Safety Code, §382.017.

§115.412. Control Requirements.

(a) In the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas as defined in §115.10 of this title (relating to Definitions), the following control requirements shall apply.

(1)-(3) (No change.)

[(4) In the Dallas/Fort Worth, El Paso, and Houston/Galveston areas, acetone usage at polyester resin operations, as defined in §115.10 of this title, is limited as follows (with usage defined as gross usage minus waste disposal).

[(A) Monthly usage of acetone for cleanup at cultured (synthetic) marble operations is limited to no more than 2.0% by weight of the total monthly polyester resin usage, including gelcoat.]

[(B) Monthly usage of acetone for cleanup at fiber reinforced plastic manufacturing operations is limited to no more than 1.0% by weight of the total monthly polyester resin usage, including gelcoat.]

(b) (No change.)

§115.413. Alternate Control Requirements.

(a) For all affected persons in the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas, alternate methods of demonstrating and documenting continuous compliance with the applicable control requirements or exemption criteria in this section may be approved by the Executive Director in accordance with §115.910 of this title (relating to Availability of Alternate Means of Control) if emission reductions are demonstrated to be substantially equivalent.

(1)-(2) (No change.)

(b) For all affected persons in Gregg, Nueces, and Victoria counties, alternate methods of demonstrating and documenting continuous compliance with the applicable control requirements or exemption criteria in this section may be approved by the Executive Director in accordance with §115.910 of this title (relating to Availability of Alternate Means of Control) if emission reductions are demonstrated to be substantially equivalent.

(1)-(2) (No change.)

§115.416. Recordkeeping Requirements.

(a) For the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas, the owner or operator of any [polyester resin operation, or] open-top vapor or conveyORIZED degreasing operation shall maintain the following records at the facility for at least two years and shall make such records available upon request to representatives of the Texas Natural Resource Conservation Commission (TNRCC), United States Environmental Protection Agency (EPA), or the local air pollution control agency having jurisdiction in the area.

(1)-(2) (No change.)

[(3) A record of monthly resin and acetone usage sufficient to document compliance with the requirements described in §115.412(a)(4) of this title (relating to Control Requirements).

[(4) A record of monthly resin and acetone usage sufficient to document the applicability of the conditions for exemption referenced in §115.417(a)(3) of this title (relating to Exemptions).]

(b) (No change.)

§115.417. Exemptions.

(a) For the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas, the following exemptions shall apply.

(1)-(2) (No change.)

[(3) A polyester resin operation with a monthly resin usage, including gelcoat, of less than one ton is exempt from §115.412(a)(4) of this title (relating to Control Requirements). For the purposes of this paragraph, usage is defined as gross usage minus waste disposal.]

[(3) [(4)] Any conveyORIZED degreaser with less than 20 ft² (2 m²) of air/vapor interface is exempt from the requirement of §115.412(a)(3)(A) of this title.

[(5) Any open-top vapor degreaser with an open area less than 10 ft² (1 m²) is exempt from the refrigerated

chiller or the carbon adsorber requirements in §115.412(a)(2)(D) (ii) and (iv) of this title (relating to Control Requirements).]

(4) [(6)] An owner or operator who operates a remote reservoir cold solvent cleaner which uses solvent with a true vapor pressure equal to or less than 0.6 psia (4.1 kPa) measured at 100 degrees Fahrenheit (38 degrees Celsius) and which has a drain area less than 16 in² (100 cm²) and who properly disposes of waste solvent in enclosed containers is exempt from §115.412(a)(1) of this title.

(b) For Gregg, Nueces, and Victoria counties, the following exemptions shall apply.

(1)-(4) (No change.)

[(5)] Any open-top vapor degreaser with an open area less than 10 ft² (1 m²) is exempt from the refrigerated chiller or the carbon adsorber requirements in §115.412(b)(2)(D) (ii) and (iv) of this title.]

(5)[(6)] An owner or operator who operates a remote reservoir cold solvent cleaner which uses solvent with a true vapor pressure equal to or less than 0.6 psia (4.1 Kpa) measured at 100 degrees Fahrenheit (38 degrees Celsius) and which has a drain area less than 16 in² (100 cm²) and who properly disposes of waste solvent in enclosed containers is exempt from §115.412(b)(1) of this title.

§115.419. Counties and Compliance Schedules. All affected persons in Brazoria, Chambers, Collin, Dallas, Denton, El Paso, Fort Bend, Galveston, Gregg, Hardin, Harris, Jefferson, Liberty, Montgomery, Nueces, Orange, Tarrant, Victoria, and Waller counties shall continue to comply with this undesignated head (relating to Degreasing Processes) as required by §115.930 of this title (relating to Compliance Dates). [All affected polyester resin operations in Brazoria, Chambers, Collin, Dallas, Denton, El Paso, Fort Bend, Galveston, Harris, Liberty, Montgomery, Tarrant, and Waller counties shall be in compliance with §§115.412(a)(4), 115.416(a)(3) and (4), and 115.417(a)(3) of this title (relating to Control Requirements; Recordkeeping Requirements; and Exemptions) as soon as practicable, but no later than May 31, 1995.]

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on August 30, 1995.

TRD-9510949

Lydia Gonzalez-Gromatzky
Acting Director, Legal
Services Division
Texas Natural Resource
Conservation
Commission

Proposed date of adoption: December 20, 1995

For further information, please call. (512) 239-1970

Surface Coating Processes

• 30 TAC §§115.421-115.423, 115.425-115.427, 115.429

The Texas Natural Resource Conservation Commission (TNRCC or Commission) proposes amendments to §§115.421-115.423, 115.425-115.427, and 115.429, concerning Surface Coating Processes. The proposed changes to §115.421, concerning Emission Specifications, change the basis for all surface coating emission limitations from pounds of volatile organic compounds (VOC) per gallon of solids to pounds of VOC per gallon of coating (minus water and exempt solvent). This will provide the same emission limitations using different units of measurement which are more readily understood by the regulated community. The proposed changes to §115.421 also add current terminology ("high-bake coatings" and "low-bake coatings") to more clearly define operations which include "air or forced air driers." The term daily weighted average is defined, for clarity.

In addition, the proposed changes to §115.421, concerning Emission Specifications; §115.422, concerning Control Requirements; §115.426, concerning Monitoring and Recordkeeping Requirements; §115.427, concerning Exemptions; and §115.429, concerning Counties and Compliance Schedules, delete language which is obsolete due to the passage of a July 31, 1994 compliance date, update rule references, and change references from "automobile refinishing" to "vehicle refinishing (body shops)" for consistency with Standard Exemption 124. The change from "automobile refinishing" to "vehicle refinishing (body shops)" will enable owners or operators of some vehicle refinishing operations (such as bus and heavy-duty truck refinishing) to utilize the body shop requirements rather than the miscellaneous metal parts/products requirements.

The proposed changes to §115.422, concerning Control Requirements, and §115.423, concerning Alternate Control Requirements, also update a reference to §115.910 to reflect a title change. The proposed changes to §115.425, concerning Testing Requirements, correct a reference to a United States Environmental Protection Agency (EPA) guidance document. In addition, the proposed changes to §115.427 delete an exemption for customized (decorative) top coating of automobiles and trucks which is redundant because this coating category is already regulated under the exemption for vehicle refinishing (body shops) in the preceding subparagraph.

Stephen Minick, Strategic Planning and Appropriations Division, has determined that for the first five-year period the sections are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the sections.

Mr Minick also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be a more understandable and enforceable environmental regulation. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the sections as proposed.

Public hearings on this proposal will be held in Beaumont on September 26, 1995, at 7:00 p.m. at the John Gray Institute, 855 Florida Avenue, Beaumont; and in Houston on September 27, 1995, at 10:00 a.m. in Conference Room A at the Houston-Galveston Area Council, 3555 Timmons Lane, Houston. Individuals may present oral statements when called upon in order of registration. Open discussion within the audience will not occur during the hearing; however a TNRCC staff member will be available to discuss the proposal 30 minutes prior to the hearing and will answer questions before and after the hearing.

Written comments not presented at the hearing may be submitted to the TNRCC central office in Austin. The deadline for submission of written comments will be 30 days after the date of publication of the proposal in the *Texas Register*. Material received by the TNRCC Office of Policy and Regulatory Development by 4:00 p.m. on that date will be considered by the Commission prior to any final action on the proposal. Please mail written comments to Heather Evans, Office of Policy and Regulatory Development, MC 205, P.O. Box 13087, Austin, Texas 78711-3087, and reference Rule Log #95137-115-A1. Comments can also be faxed to (512) 239-5687. Copies of the proposal are available at the central office of the TNRCC, Air Policy and Regulations Division, located at 12118 North IH-35, Park 35 Technology Center, Building E, Austin, and at all TNRCC regional offices. For further information, contact Eddie Mack at (512) 239-1488.

Persons with disabilities who have special communication or other accommodation needs who are planning to attend the hearing should contact the agency at (512) 239-4900. Requests should be made as far in advance as possible.

The amendments are proposed under the Texas Health and Safety Code (Vernon 1992), the Texas Clean Air Act (TCAA), §382.017, which provides the TNRCC with the authority to adopt rules consistent with the policy and purposes of the TCAA.

The proposed amendments affect the Health and Safety Code, §382.017.

§115.421. Emission Specifications.

(a) No person in the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas as defined in §115.10 of this title (relating to Definitions) may cause, suffer, allow, or permit volatile organic compound (VOC) emissions from the surface coating processes as defined in §115.10 of this title affected by paragraphs (1)-(13) of this subsection to exceed the